

STATEMENT OF CONCERNED FILIPINO LAWYERS AS CITIZENS CALLING FOR DECISIVE ACTIONS, ACCOUNTABILITY AND TRANSPARENCY ON THE OIL SPILL TRAGEDY

We, concerned Filipino lawyers as citizens, strongly condemn the lackluster response of the government in addressing the oil spill contamination ravaging our seas, biodiversity, health and income of affected coastal residents in Oriental Mindoro. This is a grave evolving environmental catastrophe that has caused significant harm to the sacred ecosystems in the area and has affected the lives and livelihood of local communities who depend upon fishing and tourism for their income. It is posing serious health risks, and is compromising the well-being of the people including the elderly, the women and the children.

The Verde Island Passage is an ecologically significant and one of the most highly productive ecosystems in the Philippines, thus, the protection and conservation of this area should be a top priority for the government. The oil spill contamination is a devastating threat to the marine biodiversity of the Verde Island Passage. The government must take immediate and effective measures to address this ecological nightmare and prevent similar incidents from happening in the future by ensuring that our laws and regulations are strictly enforced.

This is a disaster of national and international proportions; thus, we urgently call on President Marcos to take immediate action and declare a state of national calamity in the affected areas to provide necessary relief and assistance to the affected communities. Immediate action is to thoroughly assess the impact area and contain the oil spill. Likewise, whole-of-nation actions are needed to address the urgent needs of affected communities, including providing adequate compensation, short-term and long-term health care, and rehabilitation measures.

We demand a thorough investigation into this disaster and hold accountable those responsible, including those in agencies who were in dereliction of their duties. There should be transparency and strict accountability in the conduct of the impartial investigation and full disclosure of parties involved in this mess. It was only owing to a senate inquiry that critical details finally came to light two weeks after the tragedy struck, such as the relevant permits, or the lack thereof, of the shipowner RDC Reield Marines Services, Inc., the necessary measures taken to ensure the seaworthiness of the tanker MT Princess Empress, and the lack of clear coordination among the government agencies supposed to be responding to this disaster.

To date, relevant government agencies have still not confirmed the report that it is a San Miguel Corporation subsidiary, SL Harbor Bulk Terminal Corporation, that was the charterer of the sunken vessel. There is likewise still incomplete information as to who owns the oil, what kind of oil(s) is/are present in the vessel, and what are the harmful impacts of contamination, among others. There are also inconsistent statements from the government agencies and the shipowner, concerning the legality of the tanker's operations in relation to the amendment of the latter's Certificate of Public Convenience, and the state of the tanker, being new or a rebuilt scrap.

The public has the right to know what happened, who is responsible, what measures are being taken to address the extensive damage caused by the oil spill, including the posting of a bond on the part of the polluters to cover containment and clean-up costs and damages estimated thus far, and what punitive actions will be pursued to deter tragic and avoidable instances like this in the future.

Furthermore, the critical role of quick, timely, science-based and effective oil spill response according to existing laws and guidelines cannot be overemphasized. There must be a coordinated approach to address this national crisis, which are already provided for in the Philippine Disaster Risk and Reduction Management Act of 2010 (Republic Act 10121) and related laws. More importantly, the local government units and coastal communities deserve to be heard, involved in decision-making and fully supported as the state of uncertainty looms in the hearts of their constituents.

The people's constitutionally guaranteed right to a clean, healthy, and balanced ecology is at stake in the oil pollution crisis. The Philippine Constitution declares that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. The case of *Oposa v. Factoran*, interpreted this to mean that it is the duty of the government and stakeholders to protect and preserve and not to destroy the environment for the benefit of the present and future generations. Even the United Nations General Assembly declared the right to a clean, healthy and sustainable environment as a human right.

The continuing pollution of our waters and destruction of critical marine habitats are clear violations of the people's constitutional right to a clean, healthy, and balanced ecology, and those responsible must be held accountable for their actions, omissions and negligence.

We urge the government to take swift and decisive action to ensure that the right to a clean, healthy, and balanced ecology is upheld and protected for the benefit of present and future generations of Filipinos.

Signed on 17 March 2023.

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